

REMARKS

Claims 1, 4, 5 and 10 are amended, claim 14 is cancelled, and thus, claims 1-13 and 15 remain in this application.

Applicants submit that claims 1, 4, 5, and 10 have been amended to overcome the objections thereto.

Claims 1-15 were rejected under 35 U.S.C. 102(e) as being anticipated by Sezan et al. (US 6,236,395).

The present application is entitled to the Japanese priority filing date of January 29, 1999. This priority date antedates the May 22, 2001 U.S. filing date to which Sezan is entitled. This January 29, 1999 priority date also antedates the February 1, 1999 U.S. provisional filing date noted on the Sezan patent. Enclosed herewith is a verified English translation of Japanese priority application 11-023068, filed January 29, 1999, from which it will be seen that claims 1-15 are fully supported by this Japanese priority application. In view of the earlier effective filing date of the present application, the Sezan reference is not available as prior art with respect hereto. It is, therefore, requested that this reference be removed and that the rejection of the claims as being anticipated by Sezan be withdrawn. See MPEP 201.15.

Claims 1-15 were also rejected under U.S.C. 102(e) as being anticipated by Filepp et al. (US 6,195,661), Abecassis (US 6,038,267), or Kumar et al. (US 6,448,980).

Claims 1, 5 and 10 are the only independent claims in the present application.

Claim 5 is representative and recites in pertinent part, "calculating means being operable to calculate a color feature denoting a color histogram." (Emphasis added). An example of this feature is described in the present application at, for example, the first full paragraph of page 39 through the last full paragraph on page 40.



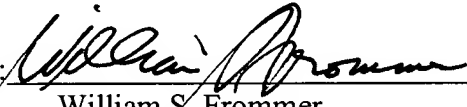
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During the telephone interview held on December 23, 2003 between the Examiner and one of Applicants' attorneys, for which the Examiner is thanked, the Examiner indicated that claims 1, 5 and 10 as amended herein overcome the rejections based on Filepp, Abecassis and Kumar. Claims 2-4, 6-9, 11-13 and 15 depended ultimately from one of claims 1, 5 and 10. Accordingly, early allowance of all the claims in this application is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

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